

Docket No. 826.1633D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shinya INAGAKI, et al.

Serial No.: 10/823,634

Filed: April 14, 2004

For: APPARATUS AND METHOD OF
COMPENSATING FOR WAVELENGTH
DISPERSION OF OPTICAL
TRANSMISSION LINE

Group Art Unit: 2874

Examiner: Jennifer Doan

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(B)

Assistant Commissioner for
Patents
Washington, D.C. 20231

Sir:

Petitioner, FUJITSU LIMITED, is the owner of one hundred percent interest in the instant application by virtue of an Assignment recorded on January 4, 2001, at Reel 011422, Frame 0817. Petitioner has reviewed the evidentiary Assignment documents, and to the best of the undersigned's knowledge and belief, the title is in the name of FUJITSU LIMITED, as specified previously. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,744,958, issued June 1, 2004. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,744,958 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of prior U.S. Patent No. 6,744,958, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

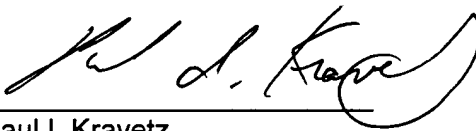
09/14/2005 JADD01 00000060 10823634 130.00 OP
02 FC:1814

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Terminal Disclaimer fee under 37 C.F.R. §1.20(d) included.

The undersigned is an attorney of record.

Date: September 13, 2005



Paul I. Kravetz
Registration No. 35,230